

Amendment No. 1 to HB0869

Keisling
Signature of Sponsor

AMEND Senate Bill No. 859

House Bill No. 869*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 58-2-101, is amended by adding the following as a new subdivision:

() "Public health emergency" means an occurrence or the imminent threat of an illness or health condition caused by bioterrorism, epidemic, or pandemic disease, or a novel and highly fatal infectious agent or biological toxin that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability.

SECTION 2. Tennessee Code Annotated, Title 58, Chapter 2, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding any law to the contrary, this section applies to a public health emergency. A provision of law relating to emergency management that does not conflict with this section applies to a public health emergency.

(b) If the governor declares a state of emergency based on a public health emergency, there is created a legislative council that is composed of:

(1) As ex officio members:

- (A) The speaker of each house;
- (B) The majority leader of each house;
- (C) The minority leader of each house;
- (D) The majority caucus chair of each house; and

(2) As members appointed by each respective speaker, one (1) member representing each grand division of the state.

(c)

(1) The governor shall not declare a state of emergency or issue an executive order in response to a public health emergency that extends for more than sixty (60) days.

(2) If the governor wishes to extend a state of emergency or executive order longer than sixty (60) days, the governor shall seek approval of the extension from the general assembly. The general assembly may grant the extension by the passage of a joint resolution.

(3) If the general assembly is not in session during the period the state of emergency is declared, the legislative council may authorize the governor to extend the state of emergency or executive order by fifteen (15) days by a two-thirds (2/3) vote of the legislative council. The legislative council may authorize subsequent extensions of the state of emergency or executive order in the same manner until the general assembly convenes into session, at which time an extension of such state of emergency or executive order must only be extended in accordance with subdivision (c)(2).

(d)

(1) The general assembly may end a state of emergency or executive order that is based on a public health emergency by the passage of a joint resolution.

(2) If the general assembly is not in session during the period the state of emergency is declared or on the date of the issuance of the executive order, the legislative council may suspend the state of emergency or executive order after being in effect for at least thirty (30) days by a two-thirds (2/3) vote of the legislative council.

(3) The suspension under subdivision (d)(2) remains in effect until the general assembly is called into special session for the purpose of addressing the

state of emergency or executive order. Upon the call into special session, the state of emergency or executive order is in effect until the general assembly acts on the call of the special session or the state of emergency or executive order expires on the date specified in the declaration or order.

(e) For a five-day period before authorizing the extension of a state of emergency or executive order under subdivision (c)(3) or suspending a state of emergency or executive order under subdivision (d)(2), the legislative council shall request from executive branch departments, and the departments shall provide, information the legislative council deems relevant in deciding whether to extend or suspend the state of emergency or executive order. The departments shall respond to the requests for information in a timely manner.

(f) At least twenty-four (24) hours prior to the governor declaring a state of emergency based on a public health emergency or issuing an executive order related to the public health emergency, the governor shall provide notice to the general assembly detailing the justifications for the declaration and the expected cost and duration of the declaration. The notice must be provided in person or via conference call or other electronic means.

(g) During a declared public health emergency, the department of health shall provide biweekly reports to the joint government operations committee regarding the status of the public health emergency and updates on the cost of the response to the public health emergency and any other relevant matters.

SECTION 2. This act takes effect January 10, 2023, the public welfare requiring it.